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SUBJECT: SENEGAL-WADE TIGHTENS HIS GRIP ON THE JUDICIARY

¶1. (SBU) Summary: Alioune Niane, a long time embassy contact and a judge at the Court of Accounts, said that with recent judicial appointments, the reinstatement of the Supreme Court and his resignation as the head of the National Association of Judges, President Abdoulaye Wade's grip over the judiciary has further increased. End Summary

¶2. (SBU) A perennial thorn in Wade's and the Ministry of Justice's side, Alioune Niane, a vocal critic of the lack of independence in the judiciary, said that he had no choice but to resign as the President of The National Association of Judges because the government was threatening to use sympathetic judges to set up an alternative association and was also withholding some CFA 40 million (USD 90,000) in funds. Niane, who described his forced resignation as a "coup d'tat of sorts", underlined that for years the former Minister of Justice and current Minister of Interior Cheikh Tidiane Sy, had been applying indirect pressure to force his hand, going as far as trying and failing to get the Court of Accounts, a body that audits government Ministries, or any entities that receives funds from the State, to bring him up on disciplinary charges.

¶3. (SBU) As the Chairman of the High Council of the Judiciary, an institution that manages the career of judges, President Wade has several tools at his disposal to remove those who have fallen out of favor. This includes exile to a distant region or the blocking of promotions. However since neither option was available in Niane's case the government targeted his powerbase as head of the National Association of Judges. Unlike criminal courts that have regional tribunals, the Court of Accounts is based only in Dakar, "so exiling me to some backwater was not option," Niane explained. Also I am not up for promotion for a while so really there was no other way they could neutralize me."

¶4. (SBU) This time however, Niane felt that he could not afford to see all his work go to waste by creating a fracture within the professional judiciary by having another Association created. He described his successor, Abdoulaye Ba who is the President of the Regional Tribunal in the northern city of Louga, as a "man of the system". However, Niane was quick to emphasize that the Association's Secretariat still contained many who were supportive of his cause: "In fact, there are many judges who agree that the judiciary is not independent and is controlled by the Executive, but they are afraid to lose their jobs. I can understand that. This is especially true of the most senior judges who owe their positions to the President."

¶5. (SBU) The High Council of the Judiciary, which is co-chaired by the Minister of Justice, recently appointed or promoted twenty five new judges whom Niane describes as being people who will be unwilling to challenge the Executive, accusing them of being too intertwined with politicians. He commented that the new Inspector General of the Judiciary, Daniel Sane, was cited in a report prepared by the Court of Accounts that uncovered rampant corruption when he headed the government Committee on Bids. He was equally dismissive of the Supreme Court which he believes was only set up to centralize power: "When the Supreme Court was abolished in 1992 it was to increase the specialization of the Courts, there was no first

among equals. Today the President's principal judicial interlocutor is the Head of the Supreme Court to whom all other Courts are subordinate. So orders go down the system and information is filtered up through one channel."

Comment

¶6. (SBU) This latest move is consistent with President Wade's efforts to further consolidate his control over all branches of governance, as manipulating both the ruling Democratic Party of Senegal (PDS) and his succession are becoming increasingly burdensome responsibilities for the aging Wade. While, most judges are well respected and are proud to be seen as being independent of Executive influence they could or would not, in the end, protect the champion of their cause, Niane. Given Wade's control of the personnel system, the judges have little choice but to kowtow to the wishes of the President if they wish to advance. End Comment